



TEXAS WATER CONSERVATION ASSOCIATION

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October 15, 2008

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PRESIDENT-ELECT

JOHN E. BURKE
IMMEDIATE PAST PRESIDENT

LEROY GOODSON
GENERAL MANAGER

DEAN ROBBINS
ASSISTANT GENERAL MANAGER

The Honorable J. P. Woodley
Assistant Secretary of the Army, Civil Works
108 Army – Pentagon
Room 3E446
Washington, DC 20310-0108

Reference: Economic and Environmental Principles and Guidelines for Water and
Related Land Resources Implementation Studies (Principles and Guidelines)

Dear Secretary Woodley;

On behalf of the Texas Water Conservation Association (TWCA), we want to thank the USA Corps of Engineers (Corps) and the Assistant Secretary of the Army - Civil Works for this opportunity to comment on the proposed revisions to the Principles and Guidelines.

The Texas Water Conservation Association encompasses the full spectrum of water interests including environmental interests, groundwater users, irrigators, municipalities, river authorities, navigation and flood control districts, ports and harbors, industrial users, drainage districts, and utility districts. Each of these categories is represented on the TWCA Board of Directors.

As you recall, TWCA provided suggested revisions by our letter of July 3, 2008, referenced as above. We are disappointed that these suggestions were apparently ignored, and none appear in the September 12th proposal. We are also disappointed that the proposal seems counter to almost all the suggested revisions.

Regarding the September 12th proposal, we offer the following comments:

1. The current proposal is fundamentally flawed, is poor public policy, and should be scraped. We suggest you start over.
 - a. As a minimum, review and comply with the guidance you received under the Water Resources Develop Act (WRDA) of 2007.
 - b. Ideally, include the diversity of comments originally received and use some of the remaining time until November 2009 to involve stakeholder groups - including the States, in a more focused forum for building a consensus for general principles that really can be used as a standard for the next 25 years.
 - c. This should be done in a transparent and inclusive open public environment, and should not be done in a rush.

The TWCA is a statewide organization composed of individuals, firms, corporations, cities, water districts and authorities, public and private agencies, and groups dedicated to the task of conserving, developing, protecting and utilizing the water resources of Texas for all beneficial purposes.

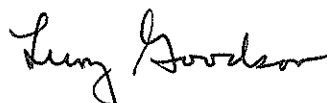
2. Our nation cannot afford fragmented water resources development where federal and state agencies act in isolation and without coordination. The current approach too often puts federal and state water managers on a collision course where conflicts and preemption erode the potential for synergy, harmony and increased national welfare. Optimal water resources management to improve national well-being is impossible without collaboration among federal and state agencies. The Corps of Engineers is uniquely qualified to lead such collaborations and in revising the P&G, TWCA suggests that you empower the Corps to provide such integration, facilitation, and leadership.
3. The Corps should develop civil works policy in the national interest and TWCA believes that the national interest includes State interests. You should develop policy which incorporates the full participation of those States and state agencies that wish to be involved. We respectfully request that you provide a framework for States to participate more fully in the formulation process.
4. We also suggest that making “affordability” decisions in the formulation process is premature and should be deferred. These decisions should be made by the appropriate officials during the appropriate budget or funding cycle, and should include stakeholder and funding partner input.
5. The revised P & G ought to integrate the essential vision of sharing planning responsibilities with the States. Planning in the national interest means that state elected officials and water management agencies will help set priorities in collaboration with the Federal government. Focusing increased emphasis on a greater benefit cost ratio limits the ability for comprehensive agency coordination, and does not facilitate State participation in decision making.
6. The P & G must not decrease or inhibit in any way an individual State’s ability to determine what is in its best interests and the priority of its needs. The revised P&G should:
 - a. Enhance Corps technical assistance, analysis and data sharing with the States
 - b. Empower Corps of Engineers support for state water resources planning
 - c. Contain a broad programmatic framework for Corps support of State developed priorities
 - d. Avoid and wherever possible reduce delays and administrative burdens
7. TWCA agrees with those who have indicated that the benefit-cost analysis should not be the only criterion used for final approval of a project, and that human health and safety as well as other social effects should receive additional attention.

The Corps enjoys a long and proud history which predates the founding of our nation, steeped in a tradition of serving as an unbiased arbitrator in major public civil works projects. Corps leaders have long understood the importance of working with the States and local sponsors, recognizing the primacy of the states as outlined in our Constitution in local matters. This document, unfortunately, would largely remove the States as co-equal partners in the planning, design, and construction of major water projects. This draft of the Principles and Guidelines is not only bad policy, it violates the very tenets of how we, as Americans have viewed government for over 200 years.

In summary, TWCA urges The Corps to start over with revisions to the Principles and Guidelines. Comply with the Congressional guidance. Emphasize the shared water management responsibilities among the Federal government and the States, and enlarge State roles in water resources planning. We also recommend that criteria for project approval be expanded to include public health and safety.

Thank you for your consideration.

Sincerely,



Leroy Goodson
General Manager

c: Mr. Larry Prather, USACE HQ, at larry.j.prather@usace.army.mil
Mr. Steve Stockton, USACE HQ
The Honorable Barbara Boxer, Chairman, Senate Committee on Environment & Public Works
The Honorable James Inhofe, Ranking Member, Senate Committee on Environment & Public Works
The Honorable Max Baucus, Chairman, Subcommittee on Transportation & Infrastructure
The Honorable Johnny Isakson, Ranking Member, Subcommittee on Transportation & Infrastructure
The Honorable James Oberstar, Chairman, House Committee on Transportation & Infrastructure
The Honorable John Mica, Ranking Member, House Committee on Transportation & Infrastructure
The Honorable Edie Bernice Johnson, Chairwoman, Subcommittee on Water Resources and Environment
The Honorable John Boozman, Ranking Member, Subcommittee on Water Resources and Environment
Texas Congressional Delegation
Governor Rick Perry

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July 3, 2008

The Honorable J. P. Woodley
Assistant Secretary of the Army, Civil Works
108 Army – Pentagon
Room 3E446
Washington, DC 20310-0108

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Related Land Resources Implementation Studies (Principles and Guidelines)

Dear Secretary Woodley:

On behalf of the Texas Water Conservation Association (TWCA), we want to thank
the USA Corps of Engineers (Corps) and the Assistant Secretary of the Army - Civil
Works for this opportunity to comment on revision to the Principles and Guidelines.

The Texas Water Conservation Association encompasses the full spectrum of water
interests including environmental interests, groundwater users, irrigators,
municipalities, river authorities, navigation and flood control districts, ports and
harbors, industrial users, drainage districts, and utility districts. Each of these
categories is represented on the TWCA Board of Directors

TWCA recognizes that the Army Corps of Engineers, founded in June 1775, is older
than our nation itself. Without the Army supplied by the original colonies, there
would have been no revolution, and no United States. The United States Army Corps
of Engineers has nobly and diligently served the people of the United States for over
233 years in peace and war, domestic and foreign.

In full recognition of the Corps' distinguished service, we offer the following
recommendations:

1. Our nation cannot afford fragmented water resources development where
federal and state agencies act in isolation and without coordination. The
current approach too often puts federal and state water managers on a
collision course where conflicts and preemption erode the potential for
synergy, harmony and increased national welfare. Optimal water resources
management to improve national well-being is impossible without
collaboration among federal and state agencies. The Corps of Engineers is
uniquely qualified to lead such collaborations and in revising the P&G,

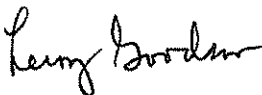
The TWCA is a statewide organization composed of individuals, firms, corporations, cities, water districts and authorities, public and private agencies,
and groups dedicated to the task of conserving, developing, protecting and utilizing the water resources of Texas for all beneficial purposes.

2. TWCA asks that you empower the Corps to provide such integration, facilitation, and leadership.
3. Therefore, The Corps of Engineers should be the people's Engineer in full collaboration with state water managers. The Corps should develop civil works policy in the national interest and TWCA believes that the national interest includes State interests. You should develop policy with the full participation of the States and state agencies who wish to be involved. We respectfully request that you provide a framework for States to contribute to P&G revisions.
4. The revised P & G ought to integrate the essential vision of sharing planning responsibilities with the States. Planning in the national interest means that state elected officials and water management agencies will help set priorities in collaboration with the Federal government. The P & G must not decrease or inhibit in any way an individual State's ability to determine what is in its best interests and the priority of needs. The revised P&G should:
 - Enhance Corps technical assistance, analysis and data sharing with the States
 - Empower Corps of Engineers support for state water resources planning.
 - Contain a broad programmatic framework for Corps support of State developed priorities
 - Avoid and wherever possible reduce delays and administrative burdens
5. TWCA agrees with those who have indicated that the benefit-cost analysis should not be the only criterion used for final approval of a project, and that human health and safety as well as other social effects should receive additional attention.

In summary, TWCA urges that revisions to the Principles and Guidelines emphasize the shared water management responsibilities among the Federal government and the States and enlarge State roles in water resources planning. We also strongly recommend that criteria for project approval be expanded to include public health and safety.

Thank you for your consideration.

Sincerely,



Leroy Goodson
General Manager

Emailed to: larry.j.prather@usace.army.mil